

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

AUSA: CAB

County: Spokane

Feb 10, 2022

SEAN F. MCAVOY, CLERK

In re Affidavit in Support of Criminal Complaint as to Kenneth Rankin Gazzaway II

State of Washington)

ss

County of Spokane)

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, David Redemann, being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I make this affidavit in support of a criminal complaint seeking the arrest of Kenneth Rankin Gazzaway II for violating 18 U.S.C. § 922(a)(6), False Statements Connected to the Purchase of Firearms, and 18 U.S.C. § 924(a)((1)(A), False Statements to a Federal Firearms Licensee.

2. I am an officer with the Washington State Liquor and Cannabis Board (“WSLCB”) who has been commissioned as a Task Force Officer (“TFO”) with the Bureau of Alcohol, Tobacco, Firearms, and Explosives (“ATF”), in the Spokane Field Office (and has been so assigned since July 2019). I have been employed by the WSLCB since July 2015.

3. My current assignment involves investigating violations of federal firearms, controlled substance, tobacco, and arson laws. As a TFO, I am authorized to investigate violations of laws of the United States and to execute warrants issued under the authority of the United States. During my law enforcement career, I have made numerous arrests for both state and federal violations. I have participated in numerous investigations as an ATF TFO involving arson, trafficking of controlled substances and unlawful possession of firearms by various types

of prohibited persons. I am familiar with and have received training regarding the enforcement of federal laws concerning firearms and narcotics laws. I have consulted with Senior Special Agents in the ATF, who have years of experience in working firearms and narcotics cases.

4. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other agents and witnesses. This affidavit is intended to show merely that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter.

INVESTIGATION

5. On November 5, 2021, an ATF Special Agent (“SA”) was acting in an undercover capacity during an operation involving Randy HOLMES. HOLMES attempted to rob the ATF agent at gunpoint. HOLMES and the ATF SA were both wounded by gunfire during the incident. The Federal Bureau of Investigation (“FBI”) took lead on investigating the assault on the ATF SA. FBI reports indicate a Glock Model 17 firearm bearing serial number BHBR218 was recovered at the scene where the ATF SA was shot. I am aware from training and experience that a Glock Model 17 is a 9mm caliber pistol.

GAZZAWAY’s Bulk Purchases of Firearm

6. An ATF Firearms Trace Report (T20210494363), dated November 9, 2021, lists Kenneth GAZZAWAY II, as the purchaser of that Glock Model 17 9mm pistol bearing serial number BHBR218 and indicates he purchased the firearm on August 19, 2021. Firearms Trace Reports track a recovered crime gun’s history from its source (manufacturer/importer) through the chain of distribution (wholesaler/retailer), to the first non-licensed purchaser of the firearm.

7. The above trace report shows the Glock firearm was purchased as part of a multiple handgun sale reported to the ATF by the Federal Firearms Licensee (“FFL”). FFLs are

required to submit ATF Form 3310.4 “Report of Multiple Sale or Other Disposition of Pistols and Revolvers” whenever they transfer more than one handgun within a 5-business-day period to the same individual. ATF Multiple Sale Summary M20210480042 indicates GAZZAWAY purchased a total of four firearms on August 19, 2021, to include the Glock firearm recovered from the November 2021 shooting incident (above).

8. Further, the above trace report lists a “time-to-crime” of 79 days for the Glock firearm. “Time to crime” is the period of time (measured in days) between a firearm’s acquisition from a retail market and a law enforcement officer’s recovery of that firearm during use, or suspected use, in a crime. When several short “time-to-crime” traces involve the same individual, or when a short “time-to-crime” trace is coupled with multiple sales information, this may be an indication of illegal firearms trafficking activity.

9. An additional ATF Firearms Trace Report (T20210524744) indicates another of the firearms purchased by GAZZAWAY on August 19, 2021 as part of the bulk sale, was recovered in Kennewick, Washington in relation to Kennewick Police Case 21-49106. I am aware this case involves a robbery in which shots were fired on November 26, 2021. According to Kennewick police, GAZZAWAY is not the suspected possessor of the firearm in this case. The trace reports lists “time-to-crime” for this firearm as 99 days.

10. In investigating the multiple sale report listed above, ATF became aware of a second multiple handgun sale to GAZZAWAY. The ATF Multiple Sale Summary (M20210398704) indicates GAZZAWAY purchased seven handguns on June 25, 2021 from the same FFL. ATF Firearms Trace Report (T20210391274) indicates one of these seven firearms was recovered by Spokane Police on September 5, 2021, in an incident documented under Spokane Police case number 2021-20152158. I am aware this case involves a drug investigation.

GAZZAWAY is not the suspected possessor of the firearm in this case. The trace report lists “time-to-crime” for this firearm as 72 days.

11. I am aware multiple sales reports represent minimum numbers of firearms purchased because individuals may purchase firearms that are not part of multiple-handgun sales or they may obtain firearms unlawfully. I am aware firearm trace reports represent minimum numbers of firearms recovered by law enforcement because not all firearms recovered by law enforcement are traced.

12. As outlined above, in brief summary, between June and August 2021, GAZZAWAY purchased at least eleven handguns in two bulk purchases. At least three of those eleven firearms were recovered in criminal investigations less than 100 days after they were purchased by GAZZAWAY. This is a short “time-to-crime” period based on my training and experience.

13. Based on this information, ATF began investigating GAZZAWAY in reference to possible firearms trafficking. On November 29, 2021, SAs Timothy Wihera and Jared Tomaso contacted the FFL who sold numerous firearms to GAZZAWAY. The FFL was fully cooperative with the investigation, and ATF has no evidence at this time to indicate the FFL breached any of the FFL’s obligations or was complicit in any wrongdoing. During the interview, SAs Tomaso and Wihera learned from the FFL that GAZZAWAY had also purchased a single shotgun from the FFL on July 8, 2021.

14. SAs Wihera and Tomaso collected the ATF Firearms Transaction Record (Form 4473) from the FFL in reference to all three transfers of firearms to GAZZAWAY. Form 4473 is a form completed and maintained by all FFLs to document the transfer of firearm(s) to an unlicensed individual. Form 4473 is completed by both the purchaser and the FFL and contains

full identifying information concerning the purchaser, firearm, date of transfer, and FFL number. The primary purpose of the form is to determine the eligibility of the purchaser to legally acquire and possess firearms.

15. Of note, ATF Form 4473 includes a question asking if the purchaser is an unlawful user of, or is addicted to, a controlled substance. I am aware methamphetamine and fentanyl are both controlled substances, and therefore users of such substances are prohibited from possessing firearms. A review of the ATF Form 4473s collected from the FFL shows GAZZAWAY indicated he is *not* an unlawful user of or addicted to a controlled substance on each of the Form 4473s he completed. GAZZAWAY also indicated he was the actual buyer of each of the firearms. The below is a redacted copy of the Form 4473 GAZZAWAY filled out in connection to the purchase of the Glock firearm on August 19, 2021.

Section B - Must Be Completed Personally By Transferee/Buyer																							
9. Transferee's/Buyer's Full Name (If legal name contains an initial only, record the initial followed by "IO" in quotes. If no middle initial or name, record "NMN".)																							
Last Name (including suffix, e.g., Jr, Sr, II, III)	First Name	Middle Name																					
Gazzaway II	Kenneth	Rankin																					
10. Current State of Residence and Address (U.S. postal abbreviations are acceptable. Cannot be a post office box.)																							
Number and Street Address	City	State	ZIP Code	County/Parish/Borough																			
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	WA																			
U.S. City and State	-OR-	Foreign Country	12. Height Ft. In.	13. Weight Lbs.	14. Sex <input checked="" type="checkbox"/> Male <input type="checkbox"/> Female <input type="checkbox"/> Non-Binary																		
[REDACTED]	-OR-	[REDACTED]	[REDACTED]	[REDACTED]	15. Birth Date Month Day Year																		
16. Social Security Number (optional, but will help prevent misidentification)			17. Unique Personal Identification Number (UPN) or Appeals Management Database Identification (AMD ID) (if applicable)																				
18.a. Ethnicity			18.b. Race (Select one or more race in 18.b. Both 18.a. and 18.b. must be answered.)																				
<input type="checkbox"/> Hispanic or Latino		<input type="checkbox"/> American Indian or Alaska Native		<input type="checkbox"/> Black or African American																			
<input checked="" type="checkbox"/> Not Hispanic or Latino		<input type="checkbox"/> Asian		<input type="checkbox"/> Native Hawaiian or Other Pacific Islander																			
19. Country of Citizenship: (Check/List more than one, if applicable. Nationals of the United States may check U.S.A.)																							
<input checked="" type="checkbox"/> United States of America (U.S.A.)			<input type="checkbox"/> Other Country/Countries (Specify):																				
20. If you are an alien, record your U.S.-issued alien or admission number (AR#, USCIS#, or I94#):																							
21. Answer the following questions by checking or marking either the "yes" or "no" box to the right of the questions:																							
<table border="1"> <thead> <tr> <th></th> <th>Yes</th> <th>No</th> </tr> </thead> <tbody> <tr> <td>a. Are you the actual transferee/buyer of the firearm(s) listed on this form and any continuation sheet(s) (ATF Form 5300.9A)? Warning: You are not the actual transferee/buyer if you are acquiring the firearm(s) on behalf of another person. If you are not the actual transferee/buyer, the licensee cannot transfer the firearm(s) to you. Exception: If you are only picking up a repaired firearm(s) for another person, you are not required to answer 21.a. and may proceed to question 21.b.</td> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>b. Are you under indictment or information in any court for a felony, or any other crime for which the judge could imprison you for more than one year, or are you a current member of the military who has been charged with violation(s) of the Uniform Code of Military Justice and whose charge(s) have been referred to a general court-martial?</td> <td><input type="checkbox"/></td> <td><input checked="" type="checkbox"/></td> </tr> <tr> <td>c. Have you ever been convicted in any court, including a military court, of a felony, or any other crime for which the judge could have imprisoned you for more than one year, even if you received a shorter sentence including probation?</td> <td><input type="checkbox"/></td> <td><input checked="" type="checkbox"/></td> </tr> <tr> <td>d. Are you a fugitive from justice?</td> <td><input type="checkbox"/></td> <td><input checked="" type="checkbox"/></td> </tr> <tr> <td>e. Are you an unlawful user of, or addicted to, marijuana or any depressant, stimulant, narcotic drug, or any other controlled substance? Warning: The use or possession of marijuana remains unlawful under Federal law regardless of whether it has been legalized or decriminalized for medicinal or recreational purposes in the state where you reside.</td> <td><input type="checkbox"/></td> <td><input checked="" type="checkbox"/></td> </tr> </tbody> </table>							Yes	No	a. Are you the actual transferee/buyer of the firearm(s) listed on this form and any continuation sheet(s) (ATF Form 5300.9A)? Warning: You are not the actual transferee/buyer if you are acquiring the firearm(s) on behalf of another person. If you are not the actual transferee/buyer, the licensee cannot transfer the firearm(s) to you. Exception: If you are only picking up a repaired firearm(s) for another person, you are not required to answer 21.a. and may proceed to question 21.b.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	b. Are you under indictment or information in any court for a felony , or any other crime for which the judge could imprison you for more than one year, or are you a current member of the military who has been charged with violation(s) of the Uniform Code of Military Justice and whose charge(s) have been referred to a general court-martial?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	c. Have you ever been convicted in any court, including a military court, of a felony , or any other crime for which the judge could have imprisoned you for more than one year, even if you received a shorter sentence including probation?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	d. Are you a fugitive from justice?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	e. Are you an unlawful user of, or addicted to, marijuana or any depressant, stimulant, narcotic drug, or any other controlled substance? Warning: The use or possession of marijuana remains unlawful under Federal law regardless of whether it has been legalized or decriminalized for medicinal or recreational purposes in the state where you reside.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Yes	No																					
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Based on the facts below and above, I submit there is probable cause to conclude these statements were false and constituted a material misrepresentation to the FFL of GAZZAWAYS lawfulness to possess a firearm.

GAZZAWAY is a Controlled Substance User

16. Further, as part of ATF's investigation into GAZZAWAY, agents learned about numerous recent police contacts involving GAZZAWAY.

September 24, 2021 Incident – Spokane Police Department

17. According to Spokane Police Department ("SPD") report 2021-20164821, GAZZAWAY was arrested SPD on September 24, 2021, for possessing a stolen firearm and aiming or discharging a firearm. SPD responded to a call for service related to a disturbance with a firearm. SPD contacted GAZZAWAY at the scene. A truck was present with the driver's door open. In plain view on the seat, SPD observed a firearm. The serial number of the firearm was also in plain view. SPD ran the serial number through dispatch, and it returned as reported stolen. SPD seized the vehicle in anticipation of a search warrant.

18. During the contact, GAZZAWAY advised he was in possession of that firearm in the truck and had discharged it during his attempt to recover his stolen vehicle. GAZZAWAY advised that he had purchased the firearm in the truck for approximately \$500 from a private party on Facebook Marketplace and considered that price a "smoking deal." GAZZAWAY was arrested for possession of a stolen firearm. A search incident to his arrest revealed approximately 30 suspected fentanyl-laced pills and just over \$1,300 in U.S. Currency.

19. During the contact, GAZZAWAY advised there may be another firearm in his motorcycle (which was also present at the location). A consent search of the motorcycle revealed a Smith and Wesson Model 586 .357 caliber handgun bearing serial number AUB1908.

Of note, this firearm was not one of the firearms from GAZZAWAY's multiple firearms purchases discussed above.

20. A search warrant was executed on the vehicle, and the firearm that was observed on the seat was recovered. It has been identified as a H&K Model USP 45 .45 caliber firearm bearing serial number HKU018766. I have since independently verified the firearm was reported stolen.

21. During a subsequent warrant search of GAZZAWAY's motorcycle, SPD located what appeared to be a drug ledger listing GAZZAWAY's name and phone number. According to Officer Akins' report, in the motorcycle saddlebags, a small black ledger (notebook) was located. When you first open the book, it showed the name Ken G and a phone number 895-9994. The number listed is the same phone number for GAZZAWAY. SPD report 2021-20111151 indicates in July, 2021, GAZZAWAY provided telephone number 509-895-9994 to Spokane Police as his cell phone number. On a few of the pages of the notebook, it has individuals' names, what appeared to be numbers indicating pricing or an amount of something being sold. It appears based on Officer Akins' training and experience that this was a drug ledger, documenting people GAZZAWAY likely sold controlled substances to, what price they paid, and the quantity sold. The following was listed in the ledger:

- 1.) Charlie front 2piece 1//4PD 100, 800 and 800
- 2.) 600 to DIW (unknown spelling on name) 20 to Anthony 850 (can't read the next writing)
- 3.) 09/16/2021 squared with jess, charlie owes for 2688.00 1/4 15 2pieces, 1 pieces-700 total 3300.

I am aware based on my training and experience that a “piece” is a common street term for an ounce of heroin, a controlled substance.

October 21, 2021 Incident – Pend Oreille County Sheriff’s Office

22. I have reviewed Pend Oreille County Sheriff’s Office (“PCSO”) report 21-05069 which indicates that on October 21, 2021, GAZZAWAY was arrested for an outstanding arrest warrant for possession of a stolen firearm (related to the September Spokane incident, above) and new charges for 4th Degree Assault. This incident took place at GAZZAAAY’s residence in the Newport, Washington area. During that investigation the victim advised law enforcement that GAZZAWAY uses methamphetamine, was on a destructive path, and had approximately 30 firearms at that residence and he would shoot anyone who passed his “no trespassing” sign that was posted on the premises.

23. The PCSO report documents that after deputies arrived, they evacuated other individuals at GAZZAWAY’s residence. GAZZAWAY exited the residence with an AR-15-style rifle and moved to what appeared to deputies to be a position to ambush them based on their training and experience. GAZZAWAY was ultimately taken into custody without further incident. A no contact order was issued prohibiting GAZZAWAY from contacting the victim. The no contact order also contained a standard provision that GAZZAWAY could not possess firearms and he needed to surrender any firearms. PCSO report 21-05582 indicates that on November 22, 2021, GAZZAWAY surrendered a muzzle loader and a revolver (two total firearms) to PCSO per the court order. A “muzzle-loader” is unlikely to be a firearm under relevant definitions of federal law.

December 15, 2021 Incident - Spokane County Sheriff’s Office

24. I have reviewed reports from Spokane County Sheriff's Office ("SCSO") for incident 2021-10164956. These reports indicate GAZZAWAY was contacted at the 7-11 located at 722 North Park Road, Spokane Valley, on December 15, 2021, in reference to an assault. The reports indicate GAZZAWAY was driving a Ford F150 pickup displaying WA license plate C38669V.

December 23, 2021 Incident – Pend Oreille County Sheriff's Office

25. I have reviewed a PCSO report (21-06106) documenting a contact with GAZZAWAY on December 23, 2021. The report outlines that a PCSO deputy contacted GAZZAWAY on a traffic stop. The deputy wrote it appeared to the deputy that GAZZAWAY was high on methamphetamine, was acting erratically and aggressively, and made several veiled threats to law enforcement. The deputy wrote that GAZZAWAY told officers "I might have let you live that night." Based on the context, this remark appears to be in reference to the night GAZZAWAY was arrested after assuming an ambush position (October incident, above).

December 29, 2021 Incident – Spokane County Sheriff's Office

26. I have reviewed reports related to SCSO incident 2021-10170915. The reports document contact with GAZZAWAY on December 29, 2021 where a SCSO deputy contacted GAZZAWAY in the parking lot of the Ace Hardware at 1330 North Argonne Road, Spokane Valley, WA. The deputy noted GAZZAWAY was dancing around his truck wearing a t-shirt only. The report describes the truck as a Ford F150 pickup displaying WA license plate C38669V (same vehicle as noted above). The deputy wrote that GAZZAWAY was "in a state of mental crisis." During the contact, the deputy located a red bag on the ground near the truck. The deputy later located a .357 caliber revolver and 7.7 grams of a clear, crystal-like substance (consistent with methamphetamine) in the red bag. GAZZAWAY denied the bag was his. No

arrest was made in this incident and GAZZAWAY declined medical assistance from deputies. SCSO subsequently requested a firearms trace of the revolver recovered in the red bag. ATF Firearms Trace Report T20210572114 lists GAZZAWAY as the purchaser of this firearm in June 2015.

ATF Interview with Domestic Violence Victim

27. On January 10, 2022, SA Wihera and I interviewed the domestic violence victim (noted above). The victim advised that in December 2021, GAZZAWAY had borrowed his/hers vehicle, later described as a 1994 Ford F-150, bearing Washington State license plate number C38669V (same as described above in the two incidents). The victim told us that he/she had received a call from SPD informing him/her that GAZZAWAY was arrested in the aforementioned vehicle. The SPD officer told him/her that he believed there would be several grams of methamphetamine and a firearm in the truck and recommended that the victim search it when he/she gets it back. The victim had the truck towed to his/her storage unit and stated he/she did not search it. The victim consented to a search of the vehicle. SA Wihera and I searched the truck and found a Taurus, model 605, .357 magnum revolver bearing serial number LN53993 in the center console, 7 grams of suspected methamphetamine (presumptive positive for methamphetamine), a small smoking device, numerous rounds of assorted ammunition in different calibers and manufacturers, a large smoking device colloquially referred to as a “bong” under the back seat (residue tested presumptive positive for methamphetamine), and 5 grams of suspected methamphetamine in the backseat, which has not yet been field tested.

ATF Interview with GAZZAWAY

28. On January 19, 2022, SA Jared Tomaso and I interviewed GAZZAWAY in the Pend Oreille County Jail after he was arrested for violating the no contact order. The following

is meant to be a summary of the interview (not verbatim). GAZZAWAY was read his *Miranda* rights and agreed to waive those rights and speak with us. During the interview, GAZZAWAY stated that he had heard of a shooting that took place in Spokane, WA, where an ATF agent had been shot. GAZZAWAY stated that he had heard about the shooting and knew it had taken place at the Motel 6 in Spokane. SA Tomaso told GAZZAWAY that the firearm used in the shooting was one that he had purchased, specifically, a Glock 17, 9mm handgun that he had purchased from a FFL in the Spokane, Washington area. GAZZAWAY stated that he was familiar with the purchase of the Glock 17 and stated that after he had purchased it he had subsequently sold the firearm privately. GAZZAWAY first stated that he had notes in his house regarding to who he “might” have sold the firearm.

29. Later in the interview, GAZZAWAY stated that he sold the Glock to James FRANCIS. GAZZAWAY stated that he has known FRANCIS for approximately 12 months and knew that FRANCIS was a convicted felon. GAZZAWAY stated that FRANCIS was also a drug user and had been since GAZZAWAY knew him. In response to an inquiry about any other firearms GAZZAWAY may have sold to FRANCIS, GAZZAWAY stated. “I might have sold him a couple guns.” GAZZAWAY stated that one of the guns he sold FRANCIS was taken from FRANCIS when he was “jumped” by a few individuals. GAZZAWAY stated he thought FRANCIS “would have sold [the Glock], or he would have traded it, if he needed to”. GAZZAWAY stated firearms are like money to him.

30. Throughout the interview SA Tomaso asked multiple times whether GAZZAWAY used controlled substances. GAZZAWAY initially minimized his use stating that he mainly used marijuana. As the interview progressed, GAZZAWAY gradually admitted to more controlled substance use, to include regular recreational use of methamphetamine.

GAZZAWAY claimed to not be addicted to methamphetamine. GAZZAWAY indicated that his regular use of meth started approximately one year prior. GAZZAWAY also stated that in the last 14 months, he had lost close to 80 pounds, but claimed that it did not have to do with his drug use. When asked how often he used meth, GAZZAWAY stated, “[u]sually it’s really on the weekends, partying with my buddy downtown”. When asked about fentanyl-laced pills, GAZZAWAY stated that he never used any “blues” (note GAZZAWAY was arrested with fentanyl-laced pills above). GAZZAWAY claimed that he didn’t sell meth, but then stated that he sometimes facilitated getting meth for people, and “transported it to people.”

31. During the interview, SA Tomaso asked GAZZAWAY about filling out paperwork when he had purchased the Glock 17 and other firearms. GAZZAWAY remembered filling out the paperwork and said, “I fill out a lot of those forms.” SA Tomaso asked if GAZZAWAY remembered one of the questions on the paperwork that asked about drug use. GAZZAWAY stated, “I certainly do.” SA Tomaso asked GAZZAWAY if he checked “yes” or “no”, in reference to the question that asks if the purchaser is a drug user. GAZZAWAY stated, “I check no, I aint going to check yes, then you won’t let me have my guns.... come on! of course I check no!” GAZZAWAY indicated that he knew specifically what the question on the form asked. GAZZAWAY stated that he had lied on the form and further stated, “I have done that little white lie on that form all my life.” GAZZAWAY stated that in the approximate last 12 months he had purchased approximately 12 firearms from FFLs. GAZZAWAY indicated that he had acquired additional firearms from private parties. SA Tomaso asked GAZZAWAY if he had lied on the form for each of those 12 firearm purchases. GAZZAWAY responded, “Oh for sure.”

32. During the interview, GAZZAWAY stated that three of the 12 firearms he had purchased from the FFL had been stolen and he had loaned one of them to a friend.

GAZZAWAY estimated that he still had approximately four or five of the 12 firearms. GAZZAWAY then contradicted himself and stated that he had given them to his brother because he wasn't supposed to have them for the time being. GAZZAWAY then stated that the guns were locked up in GAZZAWAY's house in a safe to which only his brother had the combination. GAZZAWAY then contradicted himself and stated that they were actually in his brother's house.

33. SA Tomaso asked GAZZAWAY about the meth, firearm, and drug paraphernalia that agents had seized from a pickup truck that GAZZAWAY had been driving (above). GAZZAWAY admitted that the meth was his, and that he had picked it up for someone. He also admitted to possessing the firearm that was found with the meth but stated that it didn't belong to him. GAZZAWAY claimed that the firearm was left there by a homeless man to whom he had given a ride. TFO Redemann asked GAZZAWAY about a "bong" that was found in the truck. GAZZAWAY stated that it belonged to him.

Search of GAZZAWAY's Residence

34. On January 21, 2022, ATF executed a federal search warrant at GAZZAWAY's residence in the Newport, Washington area. In summary, in GAZZAWAY's residence, ATF located several dozen firearms, to include assault rifles and handguns. One of the handguns had an obliterated serial number. An individual at the residence indicated some of those firearms were inherited from GAZZAWAY's father, and several belonged to GAZZAWAY's brother, who lives in Alaska.

CONCLUSION

35. Based on the foregoing, I submit that there is probable cause to believe that on or about August 19, 2021, Kenneth Rankin Gazzaway II violated 18 U.S.C. § 922(a)(6) (False

Statements Connected to the Purchase of Firearms) and 18 U.S.C. § 924(a)(1)(A) (False Statements to a Federal Firearms Licensee).

36. Specifically, on or about August 19, 2021, GAZZAWAY knowingly made a false statement and representation a FFL, (a person licensed under the provisions of Chapter 44 of Title 18 United States Code, with respect to information required by the provisions of Chapter 44 of Title 18 United States Code to be kept in the records of the FFL) in that the Defendant did execute a ATF Form 4473 (Firearms Transaction Record) to the effect that he represented he was not a user of, or addicted to, marijuana or any depressant, stimulant, narcotic drug, or any other controlled substance, whereas in truth and in fact, he was a such a user and addict. This is a violation of 18 U.S.C. § 924(a)(1)(A).

37. Additionally, on or about August 19, 2021, GAZZAWAY, in connection with the acquisition of a Glock Model 17 G5 9mm Luger caliber semi-automatic handgun bearing serial number BHBR218 from a FFL (a licensed dealer of firearms within the meaning of Chapter 44, Title 18 United States Code), knowingly made a false and fictitious written statement to the FFL, which statement was intended and likely to deceive the FFL, as to a fact material to the lawfulness of such acquisition of said firearms to the defendant under Chapter 44 of Title 18 in that the Defendant executed an ATF Form 4473 (Firearms Transaction Record), to the effect that he represented he was not a user of, or addicted to, marijuana or any depressant, stimulant, narcotic drug, or any other controlled substance, he was a such a user and addict, in violation of 18 U.S.C. §§ 922(a)(6), 924(a)(2).

I declare under penalty of perjury that the statements above are true and correct to the best of my knowledge and belief.

Respectfully submitted,



David Redemann
Special Agent
ATF

Sworn to telephonically and signed electronically on this 10th day of February 2022.



Honorable James A. Goeke
United States Magistrate Judge